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EX PARTE OR LATE FILED

October 17, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

RECEIVED
OCT 17 1996
Federal Communications Commission
Office of Secretary

Re: Implementation of the Telecommunications Act of 1996:
Telecommunications Carriers' use of Customers Proprietary
Network Information and Other Customer Information
CC Docket 96-115 Ex Parte

Dear Mr. Caton:

This is to inform you that on October 17, 1996, A. Kirven Gilbert III, Cindy T. Ford and Ben Almond, all of BellSouth Corporation met with William A. Kehoe, III, Gayle Radley Teicher and Dorothy Attwood, all of the Common Carrier Bureau concerning the above referenced proceeding. The attached document was used for discussion purposes.

Please associate this notification and the accompanying document with the referenced docket proceeding.

If there are any questions concerning this material, please contact the undersigned.

Sincerely,



Ben G. Almond
Executive Director-Federal Regulatory

Attachment

cc: William A. Kehoe, III
Gayle Radley Teicher
Dorothy Attwood

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Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI)

CC Docket No. 96-115

October 17, 1996

Telecommunications Carriers' Use of Customer Proprietary Network Information (CPNI)

- ◆ Rules adopted should apply evenly to all carriers
- ◆ Broad interpretation of Section 222 is most consistent with the purpose and objectives of the Act
- ◆ Notification requirements must be reasonable and not confusing to customers
- ◆ Implied consent or “opt-out” are most consistent with the purpose of the Act and with customers’ reasonable expectations
- ◆ Approvals may be implied, oral or written
- ◆ Provisions of Section 222 supplant the CPNI rules of Computer III

Rules adopted should apply evenly to all carriers

- ◆ Plain language of Section 222 dictates that this section applies to “every telecommunications carrier”
- ◆ Rules adopted should be flexible, consistent, and evenly applied to all carriers --- Any restrictions should be limited to use rather than access
- ◆ There is no basis for assuming or concluding that a customer’s privacy expectations are relaxed or increased based upon the size or identity of a carrier

Broad interpretation of Section 222 is most consistent with the purpose and objectives of the Act

- ◆ CPNI rules should grant all carriers the same flexibility to be responsive to customer's expectations, consistent with the purpose of the Act
- ◆ Broad interpretation and flexible rules facilitate ability for all carriers to provide “one-stop” shopping, which the Commission has previously observed is efficient and in the public interest.

Notification requirements must be reasonable and not confusing to customers

- ◆ A voluntary “one-time” notification with opt-out satisfies the requirements of Section 222 of the Act and the Commission’s objective that notification be the “least burdensome” method consistent with the Act
- ◆ Commission should permit carriers to use the “notification vehicle” that is best suited to meet the circumstances of the carriers and their customers.

Implied consent or “opt-out” are most consistent with the purpose of the Act and with customers’ reasonable expectations

- ◆ A voluntary one time notice, combined with an “opt-out” process gives customers control and is consistent with customer’s reasonable expectations.
- ◆ Approvals may be implied, written, or oral.

Provisions of Section 222 supplant the CPNI rules of Computer III

- ◆ No longer any need for “multiple” sets of CPNI rules
- ◆ Application of “old” and “new” rules will result in confusion among customers and carriers
- ◆ Commission should take this opportunity to reconcile its rules with the Act’s clear mandate that all carriers be treated equally